

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RICHARD BIGHAM,

Plaintiff,

vs.

HOWARD SKOLNIK, *et al.*,

Defendants.

Case No. 2:10-cv-01475-RLH-GWF

**ORDER**

Motion for Interrogatories (#37)

This matter comes before the Court on Plaintiff's Motion for Interrogatories Under Rule 33 - for Defendants/Witnesses and Move for an Order Under Rule 37(a) (#37), filed on December 9, 2011. Plaintiff appears to be submitting interrogatories to the Court, requesting that the Court order each identified party to answer Plaintiff's interrogatories. If Plaintiff intended the filing of this motion to act as service of his written interrogatories, Plaintiff's motion is improper. Pursuant to LR 26-8, "written discovery, including responses thereto, and deposition transcripts, shall not be filed with the Court." Plaintiff must serve his interrogatories on each party he seeks responses from in compliance with Fed. R. Civ. P. 33.

If Plaintiff intended his motion to act as a motion to compel responses to discovery, Plaintiff's motion is also improper. Plaintiff fails to certify that he has met and conferred with Defendants in an attempt to resolve any discovery disputes prior to seeking the Court's intervention, as required by Fed. R. Civ. P. 37. Further, pursuant to LR 26-7, "all motions to compel discovery or protective order shall set forth in full the text of the discovery originally sought and responses thereto, if any." Although Plaintiff set forth the discovery sought, he failed to set forth Defendants' responses, if any; consequently, the Court cannot discern from the present motion what Plaintiff is requesting the Court

1 do. The Court will therefore strike Plaintiff's Motion for Interrogatories Under Rule 33 - for  
2 Defendants/Witnesses and Move for an Order Under Rule 37(a) (#37) from the civil docket. If Plaintiff  
3 wishes to re-file this motion as a motion to compel discovery, he must comply with the rules outlined  
4 above. Accordingly,

5 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Interrogatories Under Rule 33 - for  
6 Defendants/Witnesses and Move for an Order Under Rule 37(a) (#37) is **stricken** as improper. The  
7 Clerk of the Court shall strike Plaintiff's Motion for Interrogatories Under Rule 33 - for  
8 Defendants/Witnesses and Move for an Order Under Rule 37(a) (#37) from the civil docket.

9 DATED this 14th day of December, 2011.

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12 GEORGE FOLEY, JR.  
13 United States Magistrate Judge  
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